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1 STATE OF WISCONSIN: CIRCUIT COURT: POLK COUNTY

3 STATE OF WISCONSIN,)

4 Plaintiff)

5) Case No. 15-CF-159

6 vs.)

8 DARRYL L. CHRISTENSEN,)

9 Defendant.)

11 DATE: November 30, 2015

12 BEFORE: The Hon. Eugene Harrington
Circuit Judge

13 APPEARANCES: Robert J. Kaiser, Jr.
14 Assistant Attorney General
15 State of Wisconsin
16 Department of Justice
17 17 W. Main Street
18 Madison, WI 53707-7857
19 For the Plaintiff

20 Aaron A. Nelson
21 Doar, Drill & Skow
22 103 N. Knowles Avenue
23 New Richmond, WI 54017
24 For the Defendant

21 The Defendant appeared in person

23 TRANSCRIPT OF PROCEEDINGS

24 (Plea Hearing)

EXHIBIT

6

Christensen
EXHIBIT NO. 12
5-18-16 RPR CH
For the Record, Inc.
(608) 833-0392

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1 THE COURT: This is State of Wisconsin versus Darryl
2 Christensen. Darryl, D-A-R-R-Y-L. Christensen is
3 C-H-R-I-S-T-E-N-S-E-N. Polk County, 15-CF-159. Mr. Christensen
4 appears in person with Aaron Nelson. Mr. Kaiser from the
5 Attorney General's office represents the State of Wisconsin.

6 BY THE COURT:

7 Q. Mr. Christensen, I have a plea questionnaire and waiver of
8 rights form. Is this your signature on the back side?

9 A. Yes, sir.

10 Q. Did you sign this of your own free will, act, and deed?

11 A. Yes, sir.

12 Q. Anyone make any threats or promises to get you to sign this?

13 A. No, sir.

14 Q. Do you understand the plea?

15 A. Yes, sir.

16 Q. What is your understanding of the plea?

17 A. Plead guilty to all five counts.

18 Q. Five counts. Second-degree sexual assault. Contact or
19 intercourse by a correctional staff officer. Is that your
20 understanding?

21 A. Correct.

22 Q. Those are the counts?

23 A. Yes, sir.

24 Q. Maximum penalty for each count is a \$100,000 fine, 40 years
25 imprisonment. Do you understand those maximums?

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1 A. Yes, sir.

2 Q. Those maximum imprisonment is divided by 25 years of extended
3 supervision and 15 years on -- strike that. 25 years of
4 confinement in a correctional facility; 15 years of extended
5 supervision. Those are the maximum penalties. Is that
6 correct?

7 A. Yes, sir.

8 Q. Those are felonies. If you plead guilty to a felony, and you
9 are not a citizen of the United States, your plea could result
10 in deportation, exclusion of admission, or denial of
11 naturalization under federal law. Do you understand that?

12 A. Yes, sir.

13 Q. If you are convicted of a felony, you lose your right to vote
14 until your civil rights are restored. You lose your right to
15 vote in all elections in the State of Wisconsin until your
16 civil rights are restored. Do you understand that consequence?

17 A. Yes, sir.

18 Q. If you are convicted of a felony or felonies, you lose your
19 right to possession a firearm for the rest of your natural life
20 in the United States of America, unless you receive a pardon
21 from the president or the governor of this state. Do you
22 understand that?

23 A. Yes, sir.

24 Q. It doesn't say this on the plea questionnaire, but I think this
25 constitutes a serious sex offense. You may be required to

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1 register as a sex offender for the rest of your life as well.

2 Do you understand that?

3 A. Yes, sir.

4 Q. All right. 49 years of age. 12 years of education. Do you
5 read, write, and understand the English language?

6 A. Yes, sir.

7 Q. You're presently receiving treatment for post-traumatic stress
8 disorder and depression?

9 A. Yes, sir.

10 Q. What is the post-traumatic stress?

11 A. From 28 years of working emergency services as a fire
12 fighter/EMT.

13 Q. Taking any medication for PTSD?

14 A. Citalopram.

15 Q. Have you taken the citalopram pursuant to the doctor's
16 recommended dosage?

17 A. Yes, sir.

18 Q. Today?

19 A. Yes, sir.

20 Q. Taking it precisely according to the doctor's dosage?

21 A. Yes, sir.

22 Q. And you're suffering from depression. You're taking -- what is
23 this?

24 A. Same thing. The citalopram.

25 MR. NELSON: The other one, I believe, Judge, is

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1 for --

2 THE DEFENDANT: Acid reflux.

3 BY THE COURT:

4 Q. Do any of those medications impair your ability to understand
5 the everyday affairs of life?

6 A. No, sir.

7 Q. I have to make a finding you understand your rights, that
8 you're not suffering from depression or some other illness,
9 whether it be physical or mental, and that your decision today
10 is a thought-out decision after consultation with your lawyer,
11 and you know what you're pleading to, and you know what the
12 consequences may be. Make I make that finding today?

13 A. Yes, sir.

14 Q. Constitutional rights. Have you consumed any alcohol or drugs
15 other than the medication?

16 A. No, sir.

17 Q. Do you suffer from any other ailments other than those
18 disclosed?

19 A. No, sir.

20 Q. Your constitutional rights are outlined on the form. First of
21 all, you have the right to a trial; a trial by judge or jury.
22 We are scheduled for two weeks, beginning one week from today.
23 Do you understand what the concept of a jury trial is?

24 A. Yes, sir.

25 Q. Tell me what you understand it to be.

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1 A. The State has to prove beyond a reasonable doubt to --

2 Q. Stop. Jury trial. How many people on the jury?

3 A. 12.

4 Q. You've gone through the jury questionnaires with Mr. Nelson, I
5 trust?

6 A. Yes, sir.

7 Q. At least in part, perhaps?

8 A. Correct.

9 Q. You understand that from those 285 persons that received those
10 questions, we would pare those down. And, actually, that's
11 what we had intended to do today. From that we would summon
12 about 100 folks in next Monday. We would ask them a series of
13 questions. Mr. Kaiser and Mr. Nelson might ask a few questions
14 themselves. But at the end of the day, we would have about 35
15 folks. You and Mr. Nelson would make some strikes, along with
16 Mr. Kaiser. We would reduce that panel from about 30 to 16.

17 A. Yes, sir.

18 Q. We would need four extra jurors in the event someone had an
19 illness or family emergency over the next two weeks. Do you
20 understand?

21 A. Yes, sir.

22 Q. If you plead guilty or no contest, we will not go through that
23 process. Do you understand?

24 A. Yes, sir.

25 Q. A jury of 12 people ultimately would decide your guilt or

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1 innocence. Those 12 jurors have to decide guilt or innocence
2 by unanimous verdict. Tell me what the word "unanimous" means.

3 A. All 12.

4 Q. All 12 have to agree that you're --

5 A. Guilty.

6 Q. Or?

7 A. Not guilty.

8 Q. Anything other than 12 to 0 either way is what?

9 A. Not guilty.

10 Q. Hung jury. We start all over again. Do you understand?

11 A. Yes.

12 Q. If you plead guilty or no contest, you irrevocably waive your
13 right to a 12-person jury and a unanimous verdict from those 12
14 people.

15 A. Yes.

16 Q. You also have the right to a court trial. Tell me what's
17 encompassed in a court trial.

18 A. Is this where the State has to prove --

19 Q. No. Court trial is a judge. Judge decides. Judge is
20 unanimous of one. You could have a trial where I would be not
21 only the judge, but also the finder of fact to determine your
22 guilt or innocence. Burden of proof is the same.

23 Do you understand by pleading guilty you lose your
24 opportunity to have me decide your guilt or innocence with the
25 same legal standards? Do you understand that?

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1 A. Yes, sir.

2 Q. You have the right to remain silent. Tell me what that means
3 to you.

4 A. I do not have to speak during the trial. My right to remain
5 silent cannot be used against me.

6 Q. That's correct. Is there anyone that can force you to testify
7 at a trial?

8 A. You, sir? No.

9 Q. My job is to make sure you understand your right between
10 remaining silent and testifying because you can't do both at
11 the same time. Do you understand?

12 A. Yes, sir.

13 Q. Do you understand your right to remain silent?

14 A. Yes, sir.

15 Q. If you had a trial to a jury, and you decided to remain silent
16 and not testify, there is a jury instruction that I am
17 obligated to read to the jury. It tells the jury that
18 essentially they may not form any conclusion about your guilt
19 or innocence merely because you remain silent. It is a
20 valuable instruction.

21 Do you understand that if you plead guilty or
22 otherwise waive your right to a jury trial, you lose that
23 opportunity to have me read that instruction to the jury and
24 have the jury follow that instruction?

25 A. Yes, sir.

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1 Q. You have the right to testify and present evidence. Tell me
2 what that means to you.

3 A. I have a right to take the oath, sit on the witness stand, tell
4 my side of the story.

5 Q. Correct. If you plead guilty or no contest, for the most part,
6 you lose your opportunity to tell your version of the events
7 about these five counts alleged in this Information. Do you
8 understand that?

9 A. Yes, sir.

10 MR. NELSON: Judge, I, frankly, disagree. I think
11 he still has the opportunity to tell his side of the story. Not
12 as it relates to his guilt or innocence, but as to his
13 culpability at sentencing.

14 THE COURT: I was going to get to that, Mr. Nelson.

15 MR. NELSON: Thank you. I know that was something
16 Darryl and I talked about, so I wanted to make sure he
17 understood.

18 BY THE COURT:

19 Q. So you understand, you do get an opportunity to tell the author
20 of the presentence investigation your version of the events,
21 but from a fact-finding perspective, your opportunity to have a
22 fact-finding, whether it's a jury or a judge, decide which
23 version that fact finder is going to believe is gone. Do you
24 understand that?

25 A. Yes, sir.

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1 Q. Testify and present evidence at trial. What is present
2 evidence at trial? You are limited just to your testimony.

3 A. Any other witnesses, interviews, photographs, that we may have.

4 Q. Correct. You understand if you plead guilty, you lose your
5 opportunity to present all of your evidence as it relates to
6 guilt or innocence? Do you understand that, sir?

7 A. Yes, sir.

8 Q. During the course of pre-trial motions, Mr. Nelson filed on
9 your behalf a motion to suppress. Mr. Kaiser filed a motion in
10 response to that. Mr. Kaiser's response was essentially there
11 aren't any statements. Are there any statements that are
12 incriminating?

13 MR. KAISER: No, Your Honor. Not any statements
14 taken by police officers as a result of the Defendant's arrest
15 or as a result of an interrogation of him by police.

16 THE COURT: Agreed, Mr. Nelson?

17 MR. NELSON: That's complicated. I might be aware
18 of some other things, so I'm not --

19 THE COURT: Are they going to be part of the basis
20 for a finding of guilt?

21 MR. NELSON: I understand if we had the trial next
22 week that the State, through the Attorney General's office,
23 would not be presenting any statements made by Darryl
24 Christensen that he made to law enforcement officers once this
25 investigation began.

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1 MR. KAISER: Correct.

2 THE COURT: So there aren't any incriminating
3 statements we have to worry about in the first instance,
4 correct?

5 MR. NELSON: To my understanding, that's correct.

6 MR. KAISER: Correct.

7 THE COURT: So noted.

8 BY THE COURT:

9 Q. Mr. Christensen, do you know what a subpoena is?

10 A. Yes.

11 Q. Tell me what you understand it to be.

12 A. A legal document served by someone from law enforcement or
13 somebody that is sworn, served to a person acquiring their
14 presence at a court hearing.

15 Q. It's a court order requiring someone to appear and either
16 testify or present evidence.

17 A. Correct.

18 Q. Do you understand that your constitutional right includes the
19 right to subpoena witnesses? Do you understand that?

20 A. Yes.

21 Q. And it becomes my job, if you say there's someone in the
22 community or the state or in the nation that has evidence that
23 will support you in either mitigating the allegations or an
24 absolute defense, it eventually becomes my job to get those
25 folks here. Do you understand?

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1 A. Yes, sir.

2 Q. If you plead guilty or no contest, you lose your opportunity to
3 require me to get those folks here by court order. Do you
4 understand that?

5 A. Yes, sir.

6 Q. You have the right to confront in court the people who testify
7 against you. What does confront in court mean?

8 A. Question.

9 Q. Questioning is cross-examination. Confront in court.

10 MR. NELSON: He will explain it to you.

11 BY THE COURT:

12 Q. All right. The witnesses that testify that you committed a
13 crime have to come into a public room. Courthouse number 3, or
14 courtroom number 3, in Polk County Courthouse is a public room.
15 They have to take the oath to tell the truth, and then they
16 have to sit in the witness stand and testify in a public room
17 in front of you. That's confront in court. Do you understand
18 that?

19 A. Yes, sir.

20 Q. Do you understand why that confrontation in court is important?

21 A. Yes, sir.

22 Q. Tell me what you understand.

23 A. That the accusers will be facing the accused.

24 Q. Here's why it's important. It is a very difficult human
25 emotion, condition, for a person to take an oath in a public

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1 room and then to lie about somebody that's directly across the
2 room from them. The configuration in this courtroom is
3 different, but people have to sit over here in the witness
4 stand, and the Defendant is either in that chair or the chair
5 that Mr. Kaiser is in. And for a witness to tell a lie about
6 someone that is directly across the room, usually their
7 physical demeanor reveals they are not telling the whole truth.
8 Confront in court is that physical confrontation;
9 eyeball-to-eyeball confrontation. Do you understand now?

10 A. Yes, sir.

11 Q. If you plead guilty or no contest, you lose that opportunity
12 for the eyeball-to-eyeball confrontation. Do you understand,
13 sir?

14 A. Yes, sir.

15 Q. Cross-examination. What is cross-examination?

16 A. My attorney, Mr. Nelson, has the opportunity to question the
17 accusers.

18 Q. Do you know what the purpose of cross-examination is?

19 A. To trip them up to get the truth out of what they -- the
20 version they told Mr. Kaiser versus Mr. Nelson's questions.

21 Q. Some of the purposes include to show ill will. They just don't
22 like a defendant, so they, in this instance, presumably five
23 ladies previously incarcerated in the Polk County jail, got
24 together, and they didn't like you, so they concocted this
25 story, and then it becomes Aaron Nelson's opportunity to cross

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1 examine them and show their story is improbable for various
2 reasons. Ill will. Various reasons. That's one of the
3 purposes. To confront a witness with an inconsistent
4 statement. Mr. Nelson has all that stuff. That's another
5 purpose of cross-examination, and various other purposes.

6 Oftentimes, the easiest example is a witness
7 testifies that a stop-and-go light was red, and four of the
8 witnesses say, No, it was green. And then you confront the
9 witness that says it was red with those other statements and
10 other evidence. That's cross. Do you understand?

11 A. Yes, sir.

12 Q. Aaron Nelson is a very good lawyer. Very good lawyer. I've
13 seen Aaron cross-examine witnesses. He is a very talented guy.
14 If you plead guilty or no contest, you lose the opportunity to
15 have your very talented lawyer exercise his considerable skill
16 for your benefit. Do you understand that?

17 A. Yes, sir.

18 Q. Do you have any questions about those constitutional rights?

19 A. No, sir.

20 Q. All right. The burden of proof is upon the State of Wisconsin
21 to prove your guilt by proof beyond a reasonable doubt. The
22 burden of proof is outlined on various jury instructions. This
23 particular burden is in 140. It's the burden of proof for all
24 criminal cases. Reasonable doubt is defined in two paragraphs.
25 I'll read both paragraphs in order, and we will talk about it.

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1 First paragraph, "The term reasonable doubt means a
2 doubt based upon reason and common sense. It is a doubt for
3 which a reason can be given arising from a fair and rational
4 consideration of the evidence or lack of evidence. It means
5 such a doubt as would cause a person of ordinary prudence to
6 pause or hesitate when called upon to act in the most important
7 affairs of life."

8 Any questions about that paragraph?

9 A. No, sir.

10 Q. Let me explain it to you. Even though you don't have any
11 questions, there's a great deal of information in there.
12 Reasonable doubt means a doubt based upon reason and common
13 sense. Reason. Common sense. Reason and common sense is the
14 most frequently expressed characteristic, human characteristic,
15 that we want jurors to apply in every criminal case that we
16 have. Criminal. Civil. Children's. Whatever. We want
17 jurors to exercise reason and common sense. Any questions
18 about that?

19 A. No, sir.

20 Q. Do you have an understanding what reason and common sense is?

21 A. Yes, sir.

22 Q. Second sentence, a doubt for which a reason can be given. That
23 tells the jury to debate. Make sure that the State has
24 presented enough evidence. Debate the issues. Consider these
25 things. I worry if we send a jury back, and they are knocking

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1 on the door because they are back in 10 minutes, did they
2 debate this. Right, wrong, guilty or not guilty, did they
3 debate. That's what that sentence tells them to do.

4 If they come back in 10 or 12 minutes, well, then we
5 have to take their plea, whichever plea it is -- or their
6 verdict. But that's what we have to do. Any questions about
7 that phrase?

8 A. No, sir.

9 Q. Reason can be given arising from a fair and rational
10 consideration of the evidence. Fair and rational. Fairness.
11 That's the other theme among all jury instructions of every
12 type. Fairness. If we selected a jury next Monday morning, I
13 probably wouldn't be on the bench all that long. I had thought
14 through how I was going to do this. I was going to address the
15 entire panel, and I was going to stress the jury instruction
16 and fairness and rational consideration of the evidence. I was
17 not going to take Mr. Nelson's suggestion that I -- actually
18 was from a federal judge in Iowa. I wasn't going to tell them
19 that; but I was going to talk about the burden of proof.

20 Fair and rational consideration of the evidence.

21 Fairness. For the State. For the Defendant. To the victims.
22 Alleged victims. Whatever we want to characterize those folks.
23 Fairness.

24 A. Yes, sir.

25 Q. Rational consideration of the evidence. You've heard the term

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1 connecting the dots, I trust?

2 A. Yes, sir.

3 Q. We are going to talk about the elements of this offense. Each
4 element has -- has to have evidence that supports every element
5 for every charge. Connecting the dots. There has to be
6 evidence for each one of those. Rational consideration.
7 Rationality connecting the dots. Do you understand?

8 A. Yes, sir.

9 Q. Consideration of the evidence or lack of evidence. And that
10 lack of evidence phrase ties into the prior sentence of 140,
11 the jury instruction. It reads to the jury, "If you can
12 reconcile the evidence upon any reasonable hypothesis
13 consistent with the Defendant's innocence, you should do so and
14 return a verdict of not guilty."

15 That's a command sentence to the jury that if there
16 isn't a rational consideration, a rational connection of the
17 evidence and the elements, the command result is not guilty.
18 Do you understand that?

19 A. Yes, sir.

20 Q. Sort of how all of these fit together. Any questions about
21 that?

22 A. No, sir.

23 Q. It means such a doubt as would cause a person of ordinary
24 prudence. Ordinary prudence. I would ask questions about
25 people's perception, about their beliefs. Is there anyone that

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1 believes they may not serve on this jury because they have a
2 personal or biblical prohibition about judging others.

3 Ordinary prudence. We don't want hyper-technical folks. We
4 don't want hyper-liberal folks. We want people of ordinary
5 prudence. Good citizens from your community, Polk County. Do
6 you understand that?

7 A. Yes, sir.

8 Q. Pause or hesitate when called upon to act in the most important
9 affairs of life. One of the real challenges about selecting a
10 jury on December 7th for a trial that ends on December 18th is
11 that if we had gone through the trial -- and we can still do
12 that because I haven't called anything off yet. On the 18th,
13 when a jury determines your guilt or innocence, that has to be
14 the most important thing on their mind. Okay?

15 Let's be common sensical here. December 18th. A lot
16 of folks might have something on their mind besides deciding
17 guilt or innocence. It's five days before Christmas. So the
18 most important affairs of life stresses to that panel, This is
19 the deal, can't be worried about Christmas and kids and
20 grandkids and anything else. You decide the guilt and
21 innocence of a Defendant. Most important affairs. That's the
22 purpose of that phrase. Do you understand?

23 A. Yes, sir.

24 Q. If you plead guilty or no contest, you give up the opportunity
25 to have the jury follow that language from a jury instruction

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1 and apply it in your particular case. Do you understand?

2 A. Yes, sir.

3 Q. Any questions about that?

4 A. No, sir.

5 Q. Any questions about that meaning of reasonable doubt?

6 A. No, sir.

7 Q. The jury instruction also defines what a reasonable doubt is
8 not. That's another three sentences, and I'll read those to
9 you.

10 "A reasonable doubt is not a doubt which is based on
11 mere guesswork or speculation. A doubt which arises merely
12 from sympathy or from fear to return a verdict of guilt is not
13 a reasonable doubt. A reasonable doubt is not a doubt such as
14 may be used to escape the responsibility of a decision."

15 It's not based on guesswork or speculation. Reasonable doubt
16 requires the affirmative application of reason and common sense
17 and a fair and rational consideration of evidence. Do you
18 understand? It's not Ouija boards. It's not drawing straws.
19 It's not flipping coins. Do you understand?

20 A. Yes, sir.

21 Q. It's not sympathy or fear. They cannot look at you and your
22 family -- and if you testified, I would guess that Mr. Nelson
23 would tell that jury about your background in the community,
24 about your wife, kids, your family. That's not what this is
25 about. They can't say, We are going to feel sorry for

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1 somebody, and thereby find this particular person not guilty.

2 Do you understand?

3 A. Yes, sir.

4 Q. And it's not fear. They can't fear for what the consequences
5 might be. They would not know the specific consequences,
6 potential penalties, but they can't say, We are afraid for
7 Mr. Christensen, or the other folks, and therefore we are going
8 to find them not guilty. Do you understand that?

9 A. Yes, sir.

10 Q. A reasonable doubt is not a doubt such as may be used to escape
11 the responsibility of a decision. That ties into that third
12 sentence from the first paragraph. Most important affairs of
13 life. Jurors can't duck. Jurors can't duck a tough decision.
14 They can't just simply say, We are not going to make this
15 decision, we are not going to find a person guilty because it's
16 a tough deal.

17 In your case, this case, when the jury came back, I
18 could predict that at least three or four of those folks would
19 have tears in their eyes when they walk through the door
20 because it's a responsible decision. Do you understand?

21 A. Yes, sir.

22 Q. They cannot duck because it's a tough decision. Do you
23 understand that?

24 A. Yes, sir.

25 Q. Any questions about either of the definitions of reasonable

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1 doubt? What it is? What it isn't?

2 A. No, sir.

3 Q. Have you talked with Mr. Nelson about a reasonable doubt?

4 A. Yes, sir.

5 Q. Do you have any questions of him before we go further?

6 A. No, sir.

7 Q. The presumption of innocence. Did you read that article that
8 Mr. Nelson sent to me from I think it was Judge Bennett?

9 A. No, I did not.

10 Q. Judge Bennett is a retired federal judge I think from the
11 northern district of Iowa. He spoke November 11th at the state
12 judicial college, and he talked about those sort of things, how
13 he selects a jury in the federal court. He expresses to the
14 panel, before people are seated in the box, the presumption of
15 innocence and what it means.

16 And here's what it means. As you sit there this
17 moment, the law tells me that there hasn't been any evidence
18 against you about these crimes. If Mr. Kaiser said to me,
19 Judge, I want you to make a determination as to the guilt or
20 innocence on Mr. Christensen solely on the basis of the file,
21 it would take me as long as it takes me to say not guilty as to
22 five counts. That's how long it would be because the law
23 presumes that you're innocent. The State has the entire burden
24 to prove your guilt. You don't have to prove anything at a
25 trial. Do you understand that?

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1 A. Yes, sir.

2 Q. I cannot find you guilty, and I will not find you guilty until
3 either a jury returns a verdict telling me that you are or that
4 you admit the various crimes. Not only the crimes that are
5 outlined on the form, but the facts to support those crimes.
6 Only then is the presumption overcome. And then the judge has
7 to make a determination as to your guilt or innocence. Do you
8 understand that?

9 A. Yes, sir.

10 Q. Anything short of that, the presumption protects you, and you
11 would be found not guilty. Do you understand?

12 A. Yes, sir.

13 Q. Any questions about the presumption of innocence whatsoever?

14 A. No, sir.

15 Q. I'm going to reread what I have always considered the most
16 important sentence in the burden of proof/presumption of
17 innocence instruction. I read one. "If you can reconcile the
18 evidence upon any reasonably hypothesis consistent with the
19 defendant's innocence, you should do so and return a verdict of
20 not guilty."

21 Pretty simple sentence. What it says to the jury is
22 if there's a reasonable conclusion that can be drawn consistent
23 with innocence, you must -- you should find the defendant not
24 guilty. I'm paraphrasing. Reasonable conclusion. That's the
25 presumption of innocence. That's how high the burden of proof

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1 is on the State.

2 When I was a defense attorney, and I wasn't a
3 prosecutor before I became a judge, I used that sentence. The
4 DA at the time was Mr. Bitney. He is a judge. Here's what he
5 always read, and this is important as well: While it is your
6 duty to give the defendant the benefit of every reasonable
7 doubt, you are not to search for doubt. You are to search for
8 the truth. That's how you fit them all together.

9 If you plead guilty or no contest, you lose the
10 opportunity to have Mr. Nelson argue the case to the jury that
11 there are reasonable hypothesis consistent with your innocence
12 and then suggest to them that the command of that instruction
13 is, find this defendant not guilty. Do you understand that?

14 A. Yes, sir.

15 Q. If you plead guilty or no contest, you lose that opportunity,
16 irrevocable. Do you understand?

17 A. Yes, sir.

18 Q. We have to talk about the elements of these offenses. We have
19 to talk about the factual basis. Before I do that, you're
20 represented by Aaron Nelson. I appointed Aaron Nelson
21 consistent with State versus Dean to represent you as your
22 lawyer. You recollect all of that?

23 A. Yes, Your Honor.

24 Q. Are you satisfied with Mr. Nelson's representation?

25 A. Yes, sir.

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1 Q. Now, you are going to have to repay Polk County for his
2 services, but I appointed Mr. Nelson for a couple of reasons.
3 Number one, you requested Aaron Nelson. That's how this was
4 sent to me, via court; is that correct?

5 A. Yes, sir.

6 Q. And Mr. Nelson, you had retained him before I was assigned to
7 the case, and perhaps before the initial appearance; is that
8 correct?

9 A. Yes, sir.

10 MR. NELSON: What was the last question, Judge?

11 THE COURT: If his family had retained you before
12 the initial appearance.

13 MR. NELSON: Darryl doesn't know necessarily the
14 definition of the word "retained." Darryl and I had been
15 consulting. I had been giving him advice. We had met several
16 times. There had been no fee agreement. There had been nothing
17 along those lines that had gone on, so I was essentially acting
18 as an attorney, but I said, Once you get charged, we need to
19 sort this out financially.

20 BY THE COURT:

21 Q. Let me rephrase. You chose Aaron Nelson to provide legal
22 services to you before you were charged with these crimes; is
23 that correct?

24 A. Yes.

25 Q. Are you satisfied with his representation?

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1 A. Yes, sir.

2 Q. Has he been available when you needed to talk to him?

3 A. Yes, sir.

4 Q. Have you asked him all the questions you think are important to
5 ask your lawyer before submitting the plea?

6 A. Yes, sir.

7 Q. Do you need any more time with Mr. Nelson before I take your
8 plea and move on to these other issues that relate specifically
9 to the Information and your plea?

10 A. No, sir.

11 Q. It's contemplated you are going to plead guilty to five counts
12 of an amended Information. Each count charges second-degree
13 sexual assault, sexual contact or intercourse by a correctional
14 staff member. Do you understand that?

15 A. Yes, sir.

16 Q. The elements of those offenses, elements -- which metaphor
17 should I use? Connecting the dots. We talked about that
18 previously. There are three elements to these offenses.
19 First, the State must prove that you were a correctional staff
20 officer. Correctional staff officer means an officer, an
21 individual, who works at a correctional institution. A jail is
22 a correctional institution. Do you understand the element?

23 A. Yes, sir.

24 Q. Count 2 alleges that -- strike that. Element two says that the
25 Defendant -- the State must prove that the Defendant had sexual

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1 intercourse or contact with persons confined to the
2 correctional staff officer, confined in the correctional
3 facility. Do you understand that?

4 A. Yes, sir.

5 Q. Third element, the State must prove that the person that you
6 had intercourse or contact with was confined to a correctional
7 institution. In this instance, the Polk County Jail. Do you
8 understand that?

9 A. Yes, sir.

10 Q. Sexual intercourse is defined in the jury instruction. Means
11 any intrusion, however slight, by any part of a person's body
12 or of an object into the genital or anal opening of another.
13 Emission of semen is not required. Do you understand the
14 definition of intercourse?

15 A. Yes, sir.

16 Q. Sexual contact is an intentional touching of the breast,
17 buttocks, groin, vagina or pubic mound of one of the named
18 victims by the Defendant. The touching may be of the breast,
19 buttocks, groin, vagina, or pubic mound directly, or it may be
20 through clothing. Do you understand that definition?

21 A. Yes, sir.

22 Q. Do you understand the elements of the offense?

23 A. Yes, sir.

24 Q. The State must prove each element for each crime. They must
25 prove -- since there are five counts, they must prove three

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1 elements five times, or 15 total instances, proving those
2 elements. Do you understand that?

3 A. Yes, sir.

4 Q. First of all, were you a correctional staff officer?

5 A. Yes, sir.

6 Q. Tell me how you were a correctional staff officer.

7 A. I was hired in 1995 as a jailer/dispatcher.

8 Q. For who?

9 A. Polk County Sheriff's Department.

10 Q. And you worked specifically in the Polk County Jail?

11 A. Correct.

12 Q. And you worked as a jailer, and that being you controlled which
13 prisoners were where and when and those sort of things?

14 A. Yes, sir.

15 Q. And that you admit that you were a correctional staff officer
16 between August 12th -- August of 2012 and October 30th of 2014?

17 A. Yes, sir.

18 Q. And you were a correctional staff officer between September 8,
19 2014, and September 22nd, 2014?

20 A. Yes, sir.

21 Q. Again, between August 28, 2014, and November 12, 2014?

22 A. Yes, sir.

23 Q. August 27th to October 8, 2014?

24 A. Yes, sir.

25 Q. November 3rd, 2011, to January 22nd, 2014?

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1 A. Yes, sir.

2 Q. You were specifically employed and an employee of Polk County,
3 Wisconsin; is that correct?

4 A. Correct.

5 Q. Were you a supervisor or just a correctional officer?

6 A. I was a jail sergeant for two years, but that was back in the
7 early 2000s.

8 Q. But not during these time periods?

9 A. No, sir.

10 Q. All right. As to count 1, did you have sexual intercourse with

11 JKJ :?

12 A. Yes, sir.

13 Q. Tell me what you did. Tell me what was the form of intercourse
14 that you had with Ms. JKJ

15 MR. NELSON: Hold on a second. Is that count 1?

16 Correct, Judge?

17 BY THE COURT:

18 Q. Count 1. JKJ.

19 A. I inserted my fingers into the vaginal area of Ms. JKJ .

20 Q. Do you agree that constitutes sexual intercourse pursuant to
21 the definition of the jury instruction?

22 A. Yes, sir.

23 Q. Do you remember the specific date that you engaged in that
24 behavior with Ms. JKJ

25 A. No, sir.

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1 THE COURT: Counsel, help me out. What day?

2 MR. NELSON: Did you do it sometime between August
3 of 2012 and October of 2014?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Satisfied that that constitutes
6 sufficient time, date, and place?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Nelson?

9 MR. NELSON: Yes, sir. That is the dates from the
10 charging document.

11 BY THE COURT:

12 Q. And between August 12th -- strike that. August of 2012 and
13 October 30th of 2014, was Ms. confined to the Polk
14 County Jail as a correctional institution?

15 A. Yes, sir.

16 THE COURT: Is there otherwise a factual basis as to
17 count 1? Mr. Kaiser?

18 MR. KAISER: Yes.

19 THE COURT: What is it? Facts contained in the
20 complaint?

21 MR. KAISER: They are.

22 THE COURT: Mr. Nelson, stipulate to the facts in
23 the complaint?

24 MR. NELSON: I agree that the facts in the complaint
25 support the charge, between those facts and Mr. Christensen's

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1 statements.

2 THE COURT: The Court finds there is a factual basis
3 for a conviction as to count 1. It's based upon the Defendant's
4 admissions and the facts as relevant to count 1.

5 BY THE COURT:

6 Q. Count 2, did you have sexual contact with : *SER*
7 between September 8, 2014, and September 22nd, 2014, in the
8 Polk County Jail?

9 A. Yes, sir.

10 Q. Tell me what you did.

11 A. Touched Inmate *SER*'s breast area.

12 Q. I didn't hear you.

13 A. Touched Inmate *SER*'s breast area.

14 Q. Was it sexual contact or sexual intercourse?

15 A. Contact.

16 Q. And was Ms. *SER* confined to the Polk County Jail between
17 those two dates?

18 A. Yes, sir.

19 Q. Do you remember the specific date or incident?

20 A. No, I don't.

21 THE COURT: Stipulate to a basis?

22 MR. KAISER: Your Honor, the only other portion of
23 that element is that the Defendant needs to be advised that he
24 is admitting that that sexual contact was done by him with the
25 intent to become sexually aroused or gratified.

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1 BY THE COURT:

2 Q. Is that true?

3 A. Yes, sir.

4 Q. Do you understand the additional requirement, that there has to
5 be -- your purpose in touching was for sexual arousal?

6 A. Yes, sir.

7 Q. Was it?

8 A. Yes, sir.

9 THE COURT: The Court finds there's a factual basis
10 for a conviction as to count 2. It's based upon the facts as
11 contained in the complaint and the admissions by the Defendant
12 as they relate to count 2.

13 BY THE COURT:

14 Q. Count 3. Between August 28, 2014, and November 12, 2014, did
15 you have intercourse with S-ALM

16
17 A. Yes, sir.

18 Q. Tell me what you did.

19 A. I inserted my fingers into her vagina.

20 Q. And was S-ALM confined to the Polk County Jail between
21 those dates, times, and places when you engaged in that
22 behavior?

23 A. Yes, sir.

24 THE COURT: Is there otherwise a factual basis?

25 MR. KAISER: Yes.

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1 THE COURT: Agreed?

2 MR. NELSON: Agreed, Judge.

3 THE COURT: The Court finds there's a factual basis
4 for a conviction as to count 3 as alleged in the complaint.

5 It's based upon the admissions from the Defendant, as well as
6 the facts as relevant contained in the criminal complaint.

7 BY THE COURT:

8 Q. Count 4, did you have sexual intercourse with *SLC*

9
10 A. Yes, sir.

11 Q. Between August 27, 2014, and October 8, 2014?

12 A. Yes, sir.

13 Q. Between those dates, was Ms. *SLC* confined to the Polk County
14 Jail?

15 A. Yes, sir.

16 Q. And you were working as a jailer during that -- those relevant
17 times?

18 A. Yes, sir.

19 THE COURT: Is there otherwise a factual basis?
20 Stipulate?

21 MR. KAISER: I don't think you asked him what act he
22 did.

23 THE COURT: He inverted his fingers into her vagina
24 I think is what he said.

25 MR. KAISER: Yes. Now there's a factual basis.

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1 THE COURT: Mr. Nelson?

2 MR. NELSON: I agree there's a factual basis.

3 THE COURT: The Court finds there's a factual basis
4 for a conviction as to count 4. Factual basis is the facts
5 admitted by the Defendant and those contained in the criminal
6 complaint as relevant.

7 BY THE COURT:

8 Q. As to count 5, between November 3, 2011, and January 22nd,
9 2014, did you have sexual intercourse with *MSJ*

10
11 A. Yes, sir.

12 Q. Tell me what you did.

13 A. I inserted my fingers into her vagina.

14 Q. And was I *MSJ* confined in the Polk County Jail, and you
15 were employed during those periods of time when this activity
16 occurred?

17 A. Yes, sir.

18 THE COURT: Is there otherwise a factual basis,
19 Mr. Kaiser?

20 MR. KAISER: Yes.

21 MR. NELSON: Agreed.

22 THE COURT: The Court finds there's a factual basis
23 for count 5. It's based upon the admissions by the Defendant,
24 as well as the facts contained in the criminal complaint.

25 BY THE COURT:

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1 Q. Maximum penalty for each offense, again, Mr. Christensen, is a
2 \$100,000 fine, 40 years of imprisonment. 25 years of
3 confinement in a correctional facility, 15 years on what's
4 called extended supervision. Do you understand the maximum
5 penalty for each offense?

6 A. Yes, sir.

7 Q. Are you prepared to submit your plea today to those charges?

8 A. Yes, sir.

9 Q. I'm about to take your plea. This is pretty much the last
10 opportunity you have to change your mind. Do you want to have
11 any more opportunity to chat with Mr. Nelson or anyone else in
12 the world before I take your plea?

13 A. No, sir.

14 Q. Are you sure? I'll give you every opportunity to talk to
15 Mr. Nelson or anybody else you want to talk to, within reason.

16 MR. NELSON: Can I have a couple of minutes?

17 THE COURT: Sure. We are in recess. Room is across
18 the hall, Mr. Nelson.

19 (Short break taken.)

20 BY THE COURT:

21 Q. All right. You've had an opportunity to chat with Mr. Nelson.
22 Ready to go forward with your plea?

23 A. Yes, sir.

24 THE COURT: The Court finds the Defendant
25 understands his rights and freely and intelligently waives

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1 those. The Court finds there's a factual basis for all the
2 elements as it relates to counts 1 through 5 of the amended
3 Information.

4 BY THE COURT:

5 Q. Count 1, second-degree sexual assault, contact or intercourse
6 by a correctional staff member. Maximum penalty, \$100,000,
7 40 years imprisonment. What's your plea?

8 A. Guilty.

9 Q. Upon your plea of guilty, the Court finds you guilty and orders
10 a Judgment of Conviction as to count 1. Count 2, second-degree
11 sexual assault, contact or intercourse by a correctional staff
12 member. Maximum penalty, \$100,000, 40 years imprisonment.
13 What's your plea?

14 A. Guilty.

15 Q. Upon your plea of guilty, the Court finds you guilty and orders
16 a Judgment of Conviction as to count 2. Count 3, second-degree
17 sexual assault, contact or intercourse by a correctional staff
18 member. Sexual contact or intercourse. Again, the maximum
19 penalty, \$100,000, 40 years imprisonment. What's your plea?

20 A. Guilty.

21 Q. Upon your plea of guilty, the Court finds you guilty and orders
22 a Judgment of Conviction as to count 3. Count 4, second-degree
23 sexual assault, sexual contact or intercourse by a correctional
24 staff member. Again, the maximum penalty is a \$100,000 fine,
25 40 years imprisonment. What is your plea?

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1 A. Guilty.

2 Q. Upon your plea of guilty, the Court finds you guilty and
3 directs a Judgment of Conviction to count 4. Count 5,
4 second-degree sexual assault, sexual contact or intercourse by
5 a correctional staff member. Again, maximum penalty, \$100,000,
6 40 years imprisonment. What is your plea?

7 A. Guilty.

8 Q. What is that?

9 A. Guilty.

10 THE COURT: The Court accepts the plea, finds the
11 Defendant guilty as to count 5. The Court directs the
12 Department of Corrections to prepare a presentence
13 investigation. Agent need not appear unless requested by the
14 Defendant or the State.

15 MR. KAISER: Your Honor, we are also asking the
16 agent be directed not to make a sentencing recommendation to the
17 Court.

18 THE COURT: So noted.

19 MR. KAISER: Thank you.

20 THE COURT: Shannon, would you let Jobie know that
21 should be on the PSI?

22 MR. NELSON: Judge, regarding the Department of
23 Corrections, I'm assuming they are going to sort out what county
24 does that? Is that something Your Honor wants to weigh in on?

25 THE COURT: Polk County will do that. The agency

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1 will decide who does that. I don't pick the agent that does the
2 PSI.

3 MR. NELSON: I'm not asking you to pick the agent.
4 I just know he is Polk County. There has been talk about Polk
5 County, and is it going to be the Polk County Department of
6 Corrections, or is it going to be the Department of Corrections
7 from a different county, or are you just deferring to the state
8 agency to make that decision?

9 THE COURT: I defer to the agency, unless you can
10 show me there's a problem.

11 MR. NELSON: No. I just wanted to know one way or
12 the other. I expect they will farm it out, but I don't know.

13 THE COURT: Anything more, Mr. Nelson?

14 MR. NELSON: Not on the state PSI.

15 THE COURT: Are you going to do an independent?

16 MR. NELSON: I was going to ask Your Honor --

17 THE COURT: Granted.

18 MR. NELSON: -- for the funds, because that's
19 something --

20 THE COURT: Granted.

21 MR. NELSON: Okay.

22 THE COURT: Who are you going to get it from?

23 MR. NELSON: I'm going to ask Mr. Tupper, who Your
24 Honor is familiar with. He did the PSI in the Depies case we
25 did. He was also -- my understanding is he was a counselor or

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1 therapist at Sand Ridge Prison where they treat sexual
2 offenders, so I think he would be especially appropriate in a
3 case involving a sex offense, so that's why I'm going to be
4 asking Mr. Tupper.

5 THE COURT: How much is it going to cost?

6 MR. NELSON: In the past, Mr. Tupper has asked for a
7 \$5,000 flat fee in order to do these. My intent was -- and I
8 talked to Darryl about this. He knew that, and he understands
9 he is going to be billed for that. I've told him I think it's
10 important enough to do that.

11 Starting December 1st, I'm not going to bill any of
12 my time, that my time will be pro bono from December 1st on
13 because I think Mr. Tupper's report is valuable and something
14 that he needs to do. And I don't want him to be in a financial
15 situation where he can't, and I didn't want Your Honor to be in
16 a concern he is now going to be racking up attorney's fees and
17 that, so today is my last day I'm going to bill Mr. Christensen.

18 THE COURT: You make that business choice yourself.

19 MR. NELSON: I understand.

20 THE COURT: But I will approve your attorney fees
21 through sentencing. I expect to see that.

22 MR. NELSON: The reason I say that, Judge, is
23 because I know I'm asking Your Honor basically, say, put \$5,000
24 up so I can get our own PSI in the hopes Mr. Christensen pay
25 that back. Part of it is there's not going to be more than the

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1 \$5,000 that's going to come forward that's going to be on the
2 bill for this, so I'm using it both because of Mr. Christensen
3 and what I've told him, as well as what I hope is something to
4 convince Your Honor to say, Okay, I'll do this.

5 I know this, Judge; I'll ask Mr. Tupper to reduce his
6 fee to \$4,000. There's a Lisa Andreas out of Madison who I
7 think is equally qualified to write PSIs. I've hired her in the
8 past. She charges \$4,000. Mr. Tupper, in this case, because of
9 his experience regarding sex offenders, that's why I wanted to
10 pick him and the different money. I don't know if he is willing
11 to reduce his fee because of this situation.

12 THE COURT: Mr. Nelson.

13 MR. NELSON: Yes, Your Honor.

14 THE COURT: I expect that you will bill for your
15 services from now until sentencing, regardless of what the
16 expert witnesses are. I do not want to be faced with a
17 post-conviction motion where someone says they didn't get
18 adequate representation from plea until sentencing because there
19 was no compensation to be coming forward, so that's not an
20 option. Do you understand me? Yes would be appropriate,
21 Mr. Nelson.

22 MR. NELSON: I don't want to --

23 THE COURT: Mr. Nelson, you're going to bill. You
24 get the estimates for the independent PSI. Unless the State
25 tells me they have a huge problem with me ordering the Polk

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1 County taxpayers to pay this, which I doubt that the State will
2 object, you get the estimate for what it's going to cost, tell
3 me why you need it, and I'll approve it. This case is serious
4 enough because of the consequence.

5 MR. NELSON: Okay.

6 MR. KAISER: Judge, the only other thing is Counsel
7 and I discussed, he is going to direct whoever prepares his
8 defense presentence to also not put a sentencing recommendation
9 in there.

10 MR. NELSON: That's correct.

11 THE COURT: That's appropriate.

12 The Court is going to revoke bail. Mr. Nelson, I
13 know you want to be heard on that.

14 MR. NELSON: Yes, Judge. Mr. Christensen has been
15 free during the pendency of this case. It was -- initially, the
16 investigation began in October. He was not charged until April.
17 During that entire time he was present. He showed up. He met
18 me. I had many conversations with Mr. Kaiser, pre-charging
19 regarding this. He accepted service of this. He has made all
20 of his Court appearances. I think the purposes of bail is to
21 assure somebody's appearance, and he has always done that.

22 I don't think the fact he has today admitted to this
23 in Court changes the likelihood of his showing up. I don't
24 think his pleading guilty to it in any way changes the
25 protection of the public in the sense he is not in a leadership

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1 position. He is not in a correctional facility position. He
2 doesn't work there. He is not having contact with anybody in
3 that capacity in any way whatsoever, so I don't believe that,
4 from a rational basis and a common sense basis, it in any way
5 changes his likelihood of showing up or the protection of the
6 public.

7 His wife is here. His wife -- I know Your Honor had
8 some background regarding some of their struggles that, not
9 surprisingly, comes up as a result of this case. She is still
10 here and supportive. He still has three children who I'll call
11 young. I think two are teenagers. One is 21. The 21-year-old
12 is due to graduate from college in the next couple of weeks.
13 And part of his thinking in all of this, a large part of it, was
14 the State's recommendation that bond not be revoked and that he
15 get the opportunity to essentially sort out his affairs at home
16 with his family, to have the one last Christmas that he can with
17 his family. I don't think it changes his ability.

18 And then, lastly, I think it also impacts his ability
19 to cooperate with that presentence investigation report. I
20 think it would save him money and the taxpayers of Polk County
21 on the court appointment money if he is able to spend his time
22 driving to Madison to meet with the person who is preparing that
23 and to go through with those tests, which I think the Department
24 of Corrections now doesn't do. Whether it be a COMPAS, which
25 may or may not be applicable here, but Your Honor may be

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1 familiar with the SR99, which is typically used in sex offender
2 cases, and that's something he wanted to get accomplished. And
3 I think it's more likely to get accomplished if he continues to
4 remain on bond so he can drive off to Madison.

5 I understand that this is unusual in that this is a
6 sentence in which there's going to be an agreed-upon
7 recommendation in which somebody goes to prison. And I'll tell
8 you, in my 20 years, this is the first time I've had a client
9 who has willingly said, Yes, I agree when we come to sentencing,
10 I'm going to say, send me to prison for a certain length of
11 time. And when that person says that, they are not in an orange
12 jumpsuit. He is free. All right? But I think that also speaks
13 very highly of Mr. Christensen in the sense that he is now a
14 free person, and he has always shown up. He has continued to
15 show up. And even here with his freedom, he has shown up today
16 and said the words "guilty" five times. I don't think there's
17 anything about that that's going to change just because he has
18 done that in the next 60 days until the sentencing is done.

19 So I think, to some extent, it prejudices his
20 ability to adequately prepare for his sentencing if he is in
21 custody because there's a lot of attorney/client communication
22 that goes on. Probably as much so during that time period as
23 there does otherwise. And I'll just frankly tell you, I'll do
24 whatever I need to do, but it's much more difficult for me to
25 communicate with clients when they are in jail, and I have to

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1 take the extra time to drive to them.

2 And then we have the last complication, which is
3 this is a Polk County case. He is a former Polk County Jailer.
4 There's no arrangements that I'm aware of for Polk County Jail
5 to house him there, and I'm not sure if they want him there.
6 Maybe it's not their choice, but I think it puts everybody in a
7 difficult position. Difficult doesn't mean impossible, but I
8 don't think it's good for this case, good for Polk County, good
9 for Darryl Christensen to have his bond revoked and have him
10 placed in the Polk County Jail the next 60 days before
11 sentencing.

12 THE COURT: Do you take any position, Mr. Kaiser?

13 MR. KAISER: We indicated to the defense we would
14 not object to the Defendant remaining on bail.

15 THE COURT: Bail is revoked. The reason I'm
16 revoking bail, first of all, the circumstances have changed.
17 The Defendant is no longer protected by the presumption of
18 innocence. I found him guilty because he pled guilty. There's
19 a factual basis for five counts of second-degree sexual assault.
20 The Judgment of Conviction will be entered probably within the
21 hour by the Clerk of the Circuit Court. There's a substantial
22 change in the status of this case.

23 With respect to cost and convenience, that doesn't --
24 that is not a concern of mine. Not in the least bit is the cost
25 a concern of mine, that it might cost the taxpayers of Polk

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1 County more money on a Dean appointment to find where
2 Mr. Christensen is housed and go there and do the preparation.
3 It's not a concern of mine that the expert witnesses that the
4 defense may wish to hire need to drive somewhere to do the
5 interviewing and the testing. That's not my concern.

6 There is significant social science that tells us
7 punishment is more effective when it is needed out as shortly
8 after the bad conduct as possible. In our criminal justice
9 system, it's not appropriate, that we can do that as soon after
10 the crime is committed. My metaphor here is always my children.
11 When they write on the wall -- now it would be my
12 grandchildren -- with a color crayon, in our household they got
13 scolded. Either time-out or a swat on the butt with a newspaper
14 and told not to do that again. The mischief and the penalty
15 were immediate, and social science tells us that that's
16 appropriate, and that's appropriate in this case. The Defendant
17 is no longer innocent. There's no longer any presumption of
18 innocence. He is guilty. It's important for him, for society,
19 for the punishment portion of this, to commence soon.

20 Most importantly, however, within the last six
21 weeks, the Defendant attempted to take his own life. He suffers
22 from depression and post-traumatic stress disorder. I'm going
23 to revoke bail to protect him from himself, in large part.
24 That's what jails presumably are, and that's what they should
25 have been for the people that were confined to the Polk County

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1 Jail that he victimized. I'm no longer going to be politically
2 correct. He victimized them. He was a predator. People -- it
3 was his obligation to protect.

4 I'm remanding him to the Washburn County Sheriff's
5 custody. Actually, I sort of told them this is probably what
6 I'm going to do. I think he will be on his way to the
7 Eau Claire County Jail --

8 THE SHERIFF: Correct.

9 THE COURT: -- this afternoon. Mr. Nelson, someone
10 from the Clerk of Court's office in Polk County will contact the
11 Department of Corrections. Make sure that your client knows
12 that he needs to cooperate with them.

13 Mr. Christensen, you are remanded to the custody of
14 the Washburn County Sheriff. Washburn County authorities will
15 take it from there. We are off the record for scheduling and
16 sentencing.

17 (Discussion off the record.)

18 THE COURT: We are on the record. February 1st,
19 2:00, sentencing. Polk County Courthouse.

20 Mr. Kaiser, you will make arrangements with the clerk
21 for video appearance by any of those victims if you choose.
22 I'll set this for the rest of the afternoon that day.

23 MR. KAISER: I would ask you do so, yes.

24 THE COURT: So noted. Anything else for the record,
25 Mr. Kaiser?

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1 MR. KAISER: No.

2 THE COURT: Mr. Nelson?

3 MR. NELSON: No, Judge.

4 THE COURT: All right. Ms. Anderson, advise the
5 clerk that we have two available. We are in recess.

6 (Proceedings concluded at approximately 2:00 p.m.)
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1 STATE OF WISCONSIN)
2) ss.
3 WASHBURN COUNTY)

4 I, LAUREL S. DEAN, do hereby certify that as the
5 duly-appointed shorthand reporter, I took in shorthand the
6 proceedings had in the above-entitled matter on the 30th day of
7 November, 2016, and that the attached is a true and correct
8 transcription of the proceedings so taken.

9 Dated at Shell Lake, Wisconsin, this 14th day of
10 March, 2016.

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15 -----
16 Notary Public, State of Wisconsin

17 My commission expires September 27, 2019.
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